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S E C R E T SECTION 01 OF 02 QUITO 003168

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SUBJECT: CHALLENGES AND OPPORTUNITIES FOR ECUADORIAN
DEMOCRACY

REF: QUITO 3081

Classified By: Ambassador Kristie A. Kenney for reason 1.4 (b&d)

11. (S) President Gutierrez' call for a special Congressional session, while controversial, is unlikely to directly threaten political stability. Nevertheless, this event bears watching, given the proven potential for Congressional conflicts to lead to unforeseen consequences on stability in this country. In our view, the opposition is not poised to convert Congressional controversy into mass mobilization in the short run, pushing off prospects for serious instability at least into the new year. Serious potential challenges to political stability remain, however. We have persistently encouraged Gutierrez and the opposition to respect constitutional due process, and see further opportunities for the USG to fortify Ecuadorian democracy in the near future. End Summary.

Special Session Controversial

12. (C) SepTel reports the controversial call by President Gutierrez for a special session of Congress on December 8 to discuss various judicial reforms. The controversy stems from the methods favored by the government to replace the members of the Supreme Court, largely affiliated with the PSC. Constitutional controversy centers on whether the Congress has authority to interfere in Court activities under the 1998 constitution. Gutierrez is apparently willing to press its tentative and simple majority to take further steps into a constitutional grey area, if only to maintain its momentum in the run-up to selection of the Congressional leadership on January 5. Defense Minister Herrera immediately expressed full military for the government.

13. (C) The opposition, meanwhile, seems unprepared to capitalize on the situation. However, the indigenous movement remains divided and focused on changing its leadership later this month, delaying the potential for massive anti-government protest. The Democratic Left is still being consolidated under the new leadership of Guillermo Lanzaduri, who was recently elected party president after a dismal effort as President of Congress. And the main opposition PSC has yet to recover after the early demise of its impeachment effort. Party leader Febres Cordero has become a target of opportunity for the government, rallying elements of the opposition behind the government's effort to limit his party's power in the judiciary.

More Challenges Ahead

14. (C) Several events over the coming month are likely to increase the potential for political instability, including:

- the effects of a rumored Cabinet shakeup, especially if it affects the defense minister (the economic team will not change, according to Gutierrez);
- the looming fight over Congressional leadership positions, which affects all Congressional factions;
- the anti-government potential of the indigenous movement;
- the Government's proposed (but unrevealed) referendum to promote political reforms, possibly including reorganization of the courts, giving the President the power to dissolve Congress, and permitting re-election of the President;
- the destabilizing prospect of the possible return from exile of former president Abdala Bucaram.

Opportunities

15. (C) While the challenges to this government's longevity remain daunting, we see many opportunities to promote respect for political stability and democratic institutions.

- The Ambassador strongly cautioned the President to respect democratic due process in their last meeting, on December 2.

-- We have redoubled our outreach with members of the alliance and the opposition, encouraging all to respect constitutional limits.

-- We will closely monitor the special session on December 8 and the indigenous movement's selection of new leaders on December 19-20.

-- After a hiatus in contact with PSC leader Febres-Cordero, who masterminded the ill-fated impeachment effort, CG Guayaquil and PolCouns will re-engage with him.

-- Former President Bush's private visit to Guayaquil has been rescheduled for January 14, and may include a meeting with Gutierrez.

-- DAO and MLGRP will continue to closely monitor key military units and the military hierarchy's posture for signs of concern or opposition.

Comment

[16.](#) (S) The President's efforts to purge the judiciary of PSC influence do raise serious constitutional issues, and will certainly not contribute to democratic stability. U.S. interests mandate continued vigilance and engagement, but we are reluctant to inject ourselves publicly into the still-evolving Congressional debate over judicial and political reform. The President's congressional gambit could well fail, and at a minimum risks a change in political momentum which could rejuvenate the opposition. Serious destabilization of the government, however, is more likely to come from the streets than from Congressional debate (barring renewed impeachment efforts), where the distracted indigenous movement traditionally holds sway, or from the military, which shows no signs of unrest.

KENNEY